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**Section II (Remarks)****A. Summary of Amendment to the Claims**

By the present Amendment, claims 22, 31, 40, and 42 have been amended; and claims 25, 32, and 34 have been cancelled. Claims 1-21 were previously cancelled. No new matter within the meaning of 35 U.S.C. §132(a) has been introduced by the foregoing amendments. The amendments made herein are fully consistent with and supported by the originally-filed disclosure of this application.

**B. Subject Matter Previously Indicated as Allowable**

In the August 27, 2007 Office Action at page 5 thereof, the examiner indicated that claims 25 and 34 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicant has accordingly amended independent claim 22 to include all of the limitations of former claim 25, and has amended independent claim 31 to include all of the limitations of former claim 34. As a result, amended independent claims 22 and 31 are now in form and condition for allowance, consistent with the examiner's acknowledgement of allowability of former claims 25 and 34 if rewritten in independent form.

**C. Response to Claim Rejections Under 35 U.S.C. §§ 102 and 103**

In the August 27, 2007 Office Action, claims 22-24, 26-29, 31-33, and 35-38 were rejected under 35 U.S.C. §§ 102 and/or 103, based on U.S. Patent Application Publication No. 2002/0197738 to Matsumoto et al. (Matsumoto) and/or U.S. Patent No. 5,477,863 to Grant ("Grant").

As indicated previously, independent claims 22 and 31 (from which the remainder of the claims rejected under Sections 102 and/or 103 depend) have been amended herewith to include all of the limitations of claims 25 and 34, respectively. Given that claims 25 and 34 were previously indicated to be allowable if rewritten in independent form, amended claims 22 and 31 are now in form and condition for allowance. Since dependent claims inherently include all of the limitations of the claims on which they depend (35 U.S.C. 112), all claims depending from amended claims 22 and 31 are likewise in form and condition for allowance. Accordingly, the rejections under 35 U.S.C. 102 and/or 103 are traversed.

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**D. Response to Objection to Claim 32 on Double Patenting Grounds**

The August 27, 2007 Office Action stated that "should claim 23 be found allowable, claim 32 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof." In response to such objection, claim 32 has been cancelled herewith. Accordingly, the double patenting objection is now moot.

**E. Request for Rejoinder of Withdrawn Claims 39-42 Pursuant to MPEP 821.04**

Claims 39-42 were previously withdrawn following imposition of a restriction requirement in the instant application.

MPEP 821.04 provides:

The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder. Rejoinder involves withdrawal of a restriction requirement between an allowable elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits.

In order to be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the limitations of an allowable claim. A withdrawn claim that does not require all the limitations of an allowable claim will not be rejoined. Furthermore, where restriction was required between a product and a process of making and/or using the product, and the product invention was elected and subsequently found allowable, all claims to a nonelected process invention must depend from or otherwise require all the limitations of an allowable claim for the claims directed to that process invention to be eligible for rejoinder.

Withdrawn claim 30, which is directed to a specimen collection kit, depends from amended independent claim 22, which includes all the limitations of (allowable) prior claim 25. Accordingly, claim 30 inherently includes all the limitations of allowable claim 22 (pursuant to 35 U.S.C. 112), such that rejoinder of claim 30 pursuant to MPEP 821.04 is appropriate.

Withdrawn claim 40 has been amended herewith to require all the limitations of amended independent claim 22, which includes all the limitations of (allowable) prior claim 25. Accordingly, rejoinder of claim 40 pursuant to MPEP 821.04 is appropriate. Withdrawn claims

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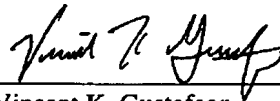
41 and 42 depend from withdrawn claim 40 and are likewise appropriately rejoined with allowable claim 22.

In light of the foregoing, rejoinder of withdrawn claims 39-42 pursuant to MPEP 821.04 is warranted, and is respectfully requested.

### CONCLUSION

Based on the foregoing, all of Applicants' pending claims are patentably distinguished over the art, and in form and condition for allowance. The examiner is requested to favorably consider the foregoing, and to responsively issue a Notice of Allowance. If any issues require further resolution, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same.

Respectfully submitted,



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